

REMARKS

1. In response to paragraph 1 of the Office Action, Applicant acknowledges Examiner's consideration of the references on Applicant's IDS.
2. In response to paragraph 2 of the Office Action, Applicant acknowledges Examiner's reply to Applicant's response filed on May 19, 2007. Applicant believes no further response to this paragraph is necessary.
3. In response to paragraph 3 of the Office Action, Applicant acknowledges Examiner's rejection of claim 21 under 35 U.S.C. § 112, ¶1's written description requirement. Applicant has cancelled claim 21 herein.
4. In response to paragraph 4 of the Office Action, Applicant acknowledges Examiner's rejection of claims 1-20 under 35 U.S.C. § 102 (e) as being anticipated by Godfrey, U.S. Pat. No. 6,941,349. Along with the RCE herein, Applicant has cancelled claims 1-21 and requests entry of its new claims 22-41, which neither add new matter and nor are anticipated by Godfrey.

As the new claims show, the sender is the originator of the email with an optional attachment for three groups of people: (a) email attachment recipients, who receive the email attachment along with the email; (b) selectable notification recipients, who receive the email along with a selectable notification for optional receipt of the email attachment; and (c) excluded recipients, who do not receive the email attachment because the sender has decided otherwise. E.g., Applicant's specification's paragraphs [0018], [0022], [0025], [0034], and [0047]. The remainder of the new claims' language parallels what the Office previously found non-objectionable. Unlike Godfrey, Applicant's invention and claimed subject matter is sender-oriented. For instance, in Godfrey, if the user (*i.e.*, recipient) accepts the email attachment, then the user will receive the email attachment. However, in Applicant's case, the sender decides whether the user can receive the email attachment, *i.e.*, whether the user is a member of group (a), (b), or (c) above.

CONCLUSION

Based on the foregoing, Applicant respectfully submits that the instant application is in condition for allowance. Applicant invites the Office to freely reach Applicant's attorney using the contact information found in his signature block below.

No fee is believed due with this paper. However, if any fee is determined to be required, the Office is authorized to charge Deposit Account 09-0447 for any such required fee.

Respectfully submitted,

Date: November 13, 2007

/Erik J. Osterrieder/
Erik J. Osterrieder
Reg. No. 48,966
Schubert Osterrieder & Nickelson PLLC
6013 Cannon Mtn. Dr., S14
Austin, TX 78749
Tel: (713) 533-0494
Fax: (512) 301-7301
E-mail: ejo@sonlaw.com
ATTORNEY FOR APPLICANT/ASSIGNEE